MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017 SESSION

ULM1612 – LEGAL METHOD

(All Sections / Groups)

8 OCTOBER 2016
Reading Time : 9.00 a.m – 9.15 a.m
(15 Minutes)
Answering Time : 9.15 a.m – 12.15 p.m
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are not allowed to bring in any statute into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

In the case of Donoghue v Stevenson [1932] AC **562**, the House of Lords held that a manufacturer owed a duty of care to the ultimate consumer of the product. This was followed in Grant v Australian Knitting Mills [1936] AC 85 whereby they expanded the legal principles established in Donoghue to include all manufacturers.

Based on the cases above, identify and critically evaluate the law involve and contrast it with civil law tradition.

(Total: 25 marks)

QUESTION 2

Our client, Lala, want to take action against OtakuCan, a famous chocolate manufacturer in the country of Genovia as she found a human finger inside her chocolate bar, which was manufactured by the said company.

Based on the situation above, provide and critically discuss a case study in order to help Lala to take action against the company.

(Total: 25 marks)

QUESTION 3

a) Explain the meaning of the following Latin legal terms which are frequently seen in almost all legal materials/literature. You are also required to illustrate each term with example(s).

   i. In pari materia
   ii. Ignorantia legis non excusat
   iii. Nemo judex in sua causa
   iv. Res ipsa loquitor
   v. Mutatis mutandis

(10 marks)

Continued...

b) In order for the doctrine of judicial precedent to work, it is necessary to be able to determine what a point of law is. In the course of delivering a judgment, the judge will set out their ratio decidendi for reaching a decision. It is important to separate the ratio decidendi from the obiter dicta.

Critically examines both mechanisms with reference to its role, functions, and practical purpose in a case law analysis.

(15 marks)

(Total: 25 marks)

QUESTION 4

Man is by nature a social being. He comes into contact with other individuals in different capacities. These contacts or associations are the inevitable consequence of modern civilization which he is expected to observe a Code of Conduct or a set of rules.

Critically discuss the accuracy of the statement above by providing the following along with example(s):

a) Three(3) sources of law (10 marks)
b) The differences between private and public law (8 marks)
c) The differences between substantive law and procedural law (7 marks)

(Total: 25 marks)

QUESTION 5

In Dunnett v Railtrack (2002), the court had effectively made mediation compulsory in civil litigation. On the other hand, the same court on Halsey v Milton Keynes NHS Trust (2004) realised that although mediation had several obvious advantages compared to both litigation and arbitration, it was going too far to impose it on unwilling litigants.

Critically discuss the statements above.

(Total: 25 marks)

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